

17. (Unchanged) The bridge unit of claim 13 wherein first network protocol is that of a first connection-oriented telephony network, and the second network protocol is that of a second connection-oriented telephony network, wherein the two connection-oriented networks have incompatible data protocols.

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## REMARKS

This response is to the Office Letter mailed in the above-referenced case on November 26, 1999. In the Office Letter the Examiner has rejected claims 1-2, 7-8, and 13-17 under 35 U.S.C. 102(e) as being anticipated by Gordon. Claims 3-6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Iwami et al.

Applicant has carefully studied the rejection, the Examiner's remarks, and the references provided by the Examiner. In response, the Applicant has herein provided arguments to more particularly point out the subject matter regarded by the inventor as patentable, and to distinguish unarguably over the reference of Gordon.

Claim 1 herein recites:

1. *A computerized telephony bridge unit, comprising:*  
*a trunk-line port and associated circuitry for receiving and placing Connection Oriented/Switched Telephony (COST) telephone calls on a COST network;*  
*a data network port and associated circuitry for receiving and placing Data Network Telephony (DNT) calls on a data network;*  
*conversion circuitry for converting data representing calls*

*dynamically between DNT and COST telephone calls; and  
control routines for managing operations of the telephony bridge  
unit;*

*wherein the control routines receive a first call from one of the COST  
and DNT networks, place a call associated with the received call on the  
network other than the network on which the call is received, and  
dynamically convert data between the associated calls.*

The Examiner has rejected claim 1 under 102(e) as being anticipated by Gordon. The Examiner states that claims 1-2 and 13-17 are apparatus claims which correspond to method claims 7-8. Therefore, the means for rejection provided by the Examiner for the steps of method claim 7 reads on claim 1. The Examiner states that Gordon discloses a method that comprises connecting a COST trunk line to a computerized telephony bridge unit (i.e. 6), connecting a data network line to the computerized network bridge unit on a data network (i.e. 4), receiving a first call from one of the COST network and data network (col. 5, lines, 13-31), placing a second call associated with the first call on the network other than the network the first call is received (co. 8, lines, 1-44), and dynamically converting data between the two associated calls (col. 6, lines, 21-34).

The Examiner equates applicant's computerized telephony bridge unit with item 6 in Gordon's Fig. 1 which is described as a Unipost access node. Unipost provides dial-in access to its subscribers through specialized access computers called Unipost access Nodes (UANs) located in different geographical regions. Each UAN provides the subscriber with an E-mail address and account, a personal mailbox telephone number, and a password. Thus the subscriber in the art of Gordon, having a personal mailbox telephone number allows for the receipt of voice and facsimile messages.

Applicant claims an apparatus and method enabling dynamic

telephony calls to take place between participants (a caller and a recipient) wherein one of the participants of the call is on a data network and one of the participants of the call is on a COST network. In applicant's invention the caller and the destination are on two separate networks. Applicant claims a computerized telephony bridge unit having a trunk line port, capable of receiving and placing COST calls on a COST network, and a data port capable of receiving and placing data network telephony calls on a data network. Converting data representing calls dynamically between DNT and COST telephone calls wherein control routines are adapted to receive a first call from one of the COST and DNT networks, to place a call associated with the received call on the network other than the network on which the call is received, and to dynamically convert data between the associated calls. The dynamic conversion of data enables two people to engage in a live call even though one person is on a data network (Internet) and the other is on a COST network (PSTN).

Gordon clearly teaches a messaging system which is simply unable to bridge data network telephony calls and COST calls as claimed in applicant's invention. Gordon teaches a messaging system having a bank of direct-in-dial telephone lines associated with a PSTN and a computer system through which digital messages can be delivered. The commercial access providing computer in Gordon allows each subscriber to access and retrieve messages stored in his E-mail box. The commercial access providing computer of Gordon may also convert received E-mail for a particular subscriber to a facsimile format so that the E-mail messages may be delivered to a designated facsimile machine for that subscriber (col. 2).

It is clear to the applicant that the system described in the art of Gordon does not connect two separate telephony calls, having separate network protocols, converting data between the calls to enable dynamic communication between the two calls.

Applicant's disclosure clearly defines the meaning of data network telephony or DNT. In recent years, advances in computer technology, telephony equipment, and infrastructure have provided many opportunities for improving telephone service in publicly-switched and private telephone intelligent networks. Similarly, development of a separate information and data network known as the Internet, together with advances in computer hardware and software have led to a new multi-media telephone system known in the art by several names. In this new systemology, telephone calls are simulated by multi-media computer equipment, and data, such as audio data, is transmitted over data networks as data packets. In this application the broad term used to describe such computer-simulated telephony is Data Network Telephony (DNT).

For purposes of nomenclature and definition in the present invention, applicant wishes to distinguish clearly between what might be called conventional telephony, which is the telephone service enjoyed by nearly all citizens through local telephone companies and several long-distance telephone network providers, and what has been described herein as computer-simulated telephony or data-network telephony (DNT). The conventional system is familiar to nearly all, and is often referred to in the art as connection-oriented-switched-telephony (COST). The computer-simulated, or DNT systems are familiar to those who use and understand computer systems. Perhaps the best example of DNT is telephone service provided over the Internet.

Applicant's invention as claimed clearly recites telephony call system, not a messaging sending and retrieval system as described in the art of Gordon. Gordon does not bridge telephony calls. Gordon simply provides an elaborate messaging service.

Applicant endures unnecessary frustration when an Examiner rejects an apparatus claim as being anticipated, using the reasoning provided on behalf of a method claim. Apparatus claims recite various elements including the meaning and functions of those elements. The PTO has upheld basic

requirements of anticipation in that it is not enough to require that the disclosure in a single prior art reference disclose all of the claimed elements, rather, as stated by the Federal Circuit , anticipation requires the presence in a single disclosure of each and every element of the claimed invention , arranged as in the recited claim. Applicant believes to create a proper *prima facia* case of anticipation, also supported by the Federal Circuit, the Examiner must identify the elements of the claim, determine their meaning in light of the specification, and identify corresponding elements disclosed in the allegedly anticipated reference.

Further, as a result of applying reasoning for rejection for a method claim to an apparatus claim an Examiner does not apply patentable weight to functional limitations, not only does the Examiner ignore many of the limitations of the claim but removes the most important features when determining whether the claim is anticipated. There is ample precedent to establish that functional limitations are appropriate in claims and should be afforded patentable weight by the Examiner for determining anticipation (*In re Ludtke*, 441 F.2d 660, 169 USPQ 563, 566, *In re Atwood* 354 F.2d 365, 148 USPQ 203, 210, *In re Bisley* 197 F.2d 355, 94 USPQ 80, 83).

Gordon does not disclose computerized telephony bridge unit, comprising a trunk-line port and associated circuitry for receiving and placing Connection Oriented/Switched Telephony (COST) telephone calls on a COST network, a data network port and associated circuitry for receiving and placing Data Network Telephony (DNT) calls on a data network, conversion circuitry for converting data representing calls dynamically between DNT and COST telephone calls, and control routines adapted for managing operations of the telephony bridge unit, wherein the control routines are adapted to receive a first call from one of the COST and DNT networks, to place a call associated with the received call on the network other than the network on which the call is received, and to

dynamically convert data between the associated calls.

Applicant believes claim 1, as amended, is clearly patentable over the art of Gordon. Applicant has shown that Gordon fails to support the basic system structure, functions and connections required to support a 102 rejection regarding applicant's invention. Claims 2-6 are patentable at least as depended from a patentable claim.

Applicant believes that the art of Gordon cannot apply to applicant's claimed invention because Gordon does not deal with the art of bridging telephony calls. Gordon simply transports messages in various forms from one place to another. Applicant respectfully requests the art of Gordon be removed.

Independent Claims 7 and 13 are also patentable with the art of Gordon removed. Dependent claims 8-12 and 14-17 are patentable at least as depended from patentable claims.

As all of the claims are patentable to the Applicant with the art of Gordon removed, the Applicant respectfully requests reconsideration and that the case be passed quickly to issue.

If there are any extensions of time required beyond any extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully,  
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